

REMARKS

In the Office Action, claim 15 was allowed and claims 1, 2, 5-14, 16, 23-32, 34-46 were rejected. Applicants thank the Examiner for allowing claim 15. By this Reply and Amendment, claims 6, 7, 36, 37 and 46 have been canceled without prejudice, and claims 1, 2, 5, 8-16, 23-32, 34, 35 and 38-45 remain pending.

In the Office Action, claims 6, 7, 36, 37 and 46 were rejected under 35 USC 112, second paragraph, as being indefinite. According to the Office Action, claims 6, 7, 36 and 37 call for a protection mechanism to be an encapsulation, while the independent claims from which they ultimately depend call for the protection mechanism to be a recess. Claim 46 is said to call for the protection mechanism to be a recessed passageway, while the independent claim from which it ultimately depends calls for the protection mechanism to be an encapsulation. The Office Action further states the protection mechanism cannot be both a recess and an encapsulation. Applicants respectfully disagree with this rejection, because the protection mechanism can comprise both recess and encapsulation elements. However, the subject claims have been canceled without prejudice to facilitate allowance of the present application.

Claims 1, 2, 5-14, 16, 23-32 and 34-46 were rejected under 35 USC 103(a) as being obvious over the Patel et al. reference, US Patent Publication No.: 2003/0221829. However, as stated in the Office Action, the applied reference constitutes prior art only under 35 USC 102(e). Accordingly, the rejection is respectfully traversed because the subject matter of the applied reference and the presently claimed invention were, at the time the claimed invention was made, owned by the same party or subject to an obligation of assignment to the same party.

Pursuant to 35 USC 103(c)(1) and as directed in MPEP 706.02(1)(2)(II), a Statement Concerning Common Ownership has been provided on a separate page (page 2) of this Reply and Amendment. As set forth in MPEP 706.02(1)(2)(II), this statement alone is sufficient evidence to disqualify the cited reference from being used in a rejection under 35 USC 103(a) against the claims of the present application. Therefore, the rejection of claims 1, 2, 5-14, 16,

23-32 and 34-46 under 35 USC 103(a) should be withdrawn and all pending claims should be allowed.

In view of the foregoing remarks, the pending claims are believed to be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert A. Van Someren', is written over a horizontal line.

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